

# GOVERNOR'S MESSAGE

TO THE

## FIRST GENERAL ASSEMBLY

OF THE

### STATE OF DESERET.

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*To the Senate and House of Representatives, convened in General Assembly:*

GENTLEMEN:—Through the blessings of God our Father, and under the inestimable rights guaranteed by the Constitution of our country, we have the privilege of meeting in our present capacity. And in accordance with a time-honored custom, and trusting that it may aid somewhat as a basis for that unanimity which should characterize the official acts of persons assembled to promote the public good, I will briefly offer some of my views upon certain subjects that will more or less occupy your attention, and require your deliberation and action.

Whether our revolutionary fathers varied much or little from the spirit and letter of the Constitution in their initiative legislation relative to citizens settling on the public domain, or whether at that period it was within their power to have legislated more in accordance with the Constitution, are questions it is probably needless to dwell upon at present. Certain it is that at an early day, it was deemed proper to institute Territorial governments for settlers on the public domain, which usage is continued to the present; and from these embryo governments States were to be formed and admitted into the Union. And, as in the organization of Territories, so in the admission of States, there is no specific rule in the Constitution farther than:—"New States may be admitted by the Congress into this Union;" and, "The United States shall

guarantee to every State in this Union a Republican form of government." True, since the celebrated ordinance of 1787 in relation to the government of the then North-western Territory, there has been less of direct legislation by Congress for citizens in Territories—less direct Congressional legislation and taxation without representation—still the appointment of officers for American citizens, not only without regard to their choice, but, in some cases, contrary to their expressed wishes, (to say nothing of the character and conduct of many of said officers), and the having no vote in the national council nor in the election of the chief magistrate, (while paying an equally proportionate quota of governmental expenses), are so contrary to the principles upon which our Independence was declared and so inconsistent with the Constitution that, at first thought, it seems not a little strange that such erroneous and unequal practices were ever instituted, and very inconsistent that they have been so long perpetuated and are still practiced.

In a Republican government like ours I hold that both justice and consistency require that citizens in Territories, however few in number, should at least have not only a voice but also a vote in the Representative Branch of the General Government, a vote for the Chief Magistrate, and their choice in the officers appointed by him, except, perhaps, the Secretary, and Judges and other law officers so far as their official acts are exclusively restricted to business pertaining to the United

States as a party; and still more just and consistent would it be were the people allowed one Representative in Congress and to elect all their officers, with the exceptions already named. And then, when the people in a Territory properly express their wish to assume the responsibility and expense of a State government, upon their presentation of a Constitution republican in form, with a petition for admission, the Declaration of Independence, the Constitution, justice, and the most ordinary regard for the rights of their fellow-citizens all combine to counsel Congress to cordially welcome and at once admit that Territory into the family of States, regardless of the number of its population. That Territorial numbers, so they are capable and desirous of republican self-government, are irrelevant to the question of admission as a State we have the authority of the Hon. W. H. Seward, now Secretary of State, in his speech in the Senate, April 9, 1856, in favor of the admission of Kansas, as follows:—"The Constitution does not prescribe 93,700, or any other number of people, as necessary to constitute a State." "The point concerning numbers is therefore practically unimportant and frivolous." "The Constitution prescribes only two qualifications for new States, namely:—a substantial civil community, and a republican government." And here I assert, without fear of truthful contradiction, that we are clearly within the bounds so correctly defined by Mr. Seward as requisite to our admission as a State, for our conduct under a provisional government, until it was superseded by a Territorial organization, and our acts under that organization clearly prove that we are "a substantial civil community;" and the Constitution lately adopted by our Convention and ratified by the people is certainly "republican" in form, and by it we wish to abide.

In addition, both to my views upon these points and to the thoroughly considered statements made by Mr. Seward, it may not be uninteresting to briefly allude to the varied proceedings, as to manner of admission, that have increased the number of States from thirteen to thirty-four. Vermont, Kentucky, and Maine, respectively claimed by New York, Virginia, and Massachusetts, were admitted in accordance with Section 3, Article IV, of the Constitution. Texas was annexed. After repeated memorials by the Legislative Assembly of Michigan and much difficulty in re-

gard to a portion of her southern boundary, Congress passed "an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union." Tennessee, Arkansas, Florida, and Iowa called conventions, adopted Constitutions, applied for admission, and were in that manner admitted. In several instances Congress, upon petition or memorial, have passed acts to enable or authorize the people of a Territory "to form a constitution and State government" preparatory to admission; and in some cases have in the enabling acts also provided for admission and representation. California, occupying, like Utah, territory ceded to the United States by the treaty of Guadalupe Hidalgo, February 23, 1848, and having passed a short period under what may be called a military-civil government, met by her Delegates in convention, formed a constitution, ratified it on the 13th of November, 1849, by a very unanimous vote, and at the same time "elected a Governor, Lieutenant-Governor, members of the Legislature, and two members of Congress." On the 15th of December next after the general election the Legislature convened, organized, proceeded to elect the State officers made elective by the Constitution, two Senators to Congress, and to legislate upon such matters and in such manner as in their judgement circumstances required. Thus California, without having undergone a Territorial pupillage, stepped at once upon the platform of State action, and was admitted into the Union on the 9th of September, 1850, and that too as Constitutionally, lawfully, and properly as any other State has been admitted, having "a substantial civil community, and a republican government."

On the 1st of September, 1849, the day the Convention began its session, the largest number claimed by California was some 43,000, a number probably about one half the present population of Utah. I think this places us comparatively on a very respectable footing as to numbers, and do not see that any one can consistently object to the larger number's doing what was sanctioned on the part of so much the lesser number. It may also be proper, in order to verify an historical event, to here remark that the sudden increase of population in California in 1849, from the best information I have, was chiefly due to the previous first known discovery there of gold by members of the Mormon Battalion,

which Battalion also very efficiently aided in wresting from Mexico that fertile and valuable region. Again, the census of 1860 shows the population of Oregon to be 52,464, and she enjoys all the blessings and privileges of State government, on an equality with her sister States.

Most fully are we all aware that no improper, ambitious, or disloyal motives have induced us to prefer following in the State precedential footsteps made by California, but for reasons so justly urged for her admission, and because our position is still more isolated than hers, our population is already numerous and rapidly increasing, our Territorial organization is each year growing less adapted to the necessities of the people who are wearied in being so long disfranchised while winning to civilization and freedom a region so forbidding, and, more than all, because it is our inalienable and Constitutional right, have we adopted a like course in seeking our admission and in our subsequent action. And I am confident, so far as I can discern, that this course will most conduce to the advancement of the true social, industrial, and political interests of all concerned.

In this connection, and while our nation, with a large and rapidly increasing public debt, is struggling to preserve the integrity of her boundaries, I deem it proper to suggest that our admission will leave in the public Treasury some \$34,000 annually appropriated for our Territorial expenses, and will add to the revenue the full amount of our annual quota of the Governmental tax. When millions of dollars are being disbursed weekly, these thousands may seem small in contrast; but in the great majority of instances those millions have been collected in much smaller amounts than the thousands of Utah's quota.

In accordance with an act passed by Congress, in July last, nearly \$27,000 of the direct tax was apportioned to Utah. I was gratified that our Legislative Assembly so promptly assumed the payment of our quota of that tax; and without question this General Assembly, should they deem further action on that subject necessary, will, with equal patriotism, adopt such measures as will best sustain our Government in its financial affairs, so far as our apportionment and every Constitutional requirement are concerned. But I

wish it distinctly understood that I object to any action being taken in this or any other matter, except on the ground of right and justice, and in nowise as an evidence of our loyalty, for it has oftentimes been severely tested, and has, on every occasion, emerged from the test with unsullied purity. We are not here as aliens from our Government, but we are tried and firm supporters of the Constitution and every Constitutional right.

If, after electing two Senators to Congress and adopting a memorial for our admission, and such other memorials, if any, as to you may seem proper, you should in your wisdom deem it best to proceed farther in legislative duties, I respectfully recommend that you enact that the laws now in force in the Territory of Utah be in full force and virtue in law in the State of Deseret, until superseded by future legislation. I would also respectfully suggest that in all legislation, the condition, circumstances and wants of the people are to be considered in enacting any given law, whereby you will avoid the blind patterning after laws entirely inapplicable.—In pursuing this course, it will at once occur to you to encourage the importation of useful machinery, rather than manufactured articles; to foster, by appropriate bounties and otherwise, the raising of dye-stuffs, flax, hemp, cotton and wool, and the erection of factories; to encourage the raising of tobacco, so long as the people will use it, and the careful storing up of all surplus grain, for thousands upon thousands will flock here in need of succor; to promote the cause of general education, and, in fine, to always legislate for the good of the people at large and not for individual advantage, keeping inviolate our Constitution and the Constitution and all Constitutional laws of our country.

Gentlemen:—I tender you my future cordial co-operation in the performance of the important duties now devolved upon you, my confidence in your integrity, intelligence, and capability, and invoke for your guidance the blessings of Israel's God, who setteth up nations and breaketh them in pieces, who ruleth and overruleth, and ordereth and doeth all things well, in accordance with His own good pleasure.

BRIGHAM YOUNG.

Great Salt Lake City, April 14, 1862.

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